

REMARKS/ARGUMENTS

Claim 37 is pending in the present application. Claims 1-36 are canceled and claim 37 is amended. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claim 37 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Office Action p.2. This rejection is respectfully traversed.

First, the Examiner stated that “it is unclear how the computer is functioning the bid advisor program.” Claim 37 has been amended to recite “responsive to the bidder accessing a bid advisor program on the computer and indicating that the bidder wants a pricing hint, causing the computer to query the bidder to select a type of pricing hint.” Then, in response to the selection of the type of pricing hint, the computer is caused to access the particular type of database and identify the corresponding pricing hint. Applicants submit that the amendments to claim 37 have overcome the Examiner’s rejection.

Second, the Examiner stated that “it is unclear of which database being used to search for the pricing hint.” Claim 37 has been amended to clarify which database is being used to search for the pricing hint. Specifically, claim 37 has been amended to specify that “when the bidder selects a historical pricing hint, the database is a historical price database,” “when the bidder selects a market value pricing hint, the database is a market value database,” and “when the bidder selects a current offering pricing hint, the database is a current offering database.” Applicants submit that the amended claim language overcomes the Examiner’s rejection.

Third, the Examiner stated that “it is also unclear of how the market value is calculated based on the given number of similar products.” Claim 37 has been amended to recited “when the bidder selects a market value pricing hint as the type of pricing hint, the database is a market value database, and the computer identifies in the market value database a given number of products similar to the item, each of the given number of products having a market value, identifying one of the products in the market value database that is a closest match to the item, and displays the market value of the closest match on the client computer as the pricing hint.” Support for the amendment is found in the specification and drawings as follows: FIG 6, 819,

820; FIG. 7, 444; specification, page 11, lines 14-20, and page 2, lines 10. The specification's method of determining a pricing hint is stated in the specification as "calculating a market value based on the similar products, and displaying the market value on the user's computer." The algorithm used to calculate the pricing hint is disclosed in the summary of the invention on page 2 which states "[o]nce the participant selects the type of pricing hint desired, an algorithm searches the appropriate data base for the closest match on pricing and displays the suggested price." Therefore, the algorithm used to calculate the pricing hint is to search the market value database for an item that is a closest match and provide the market value of the closet match as the pricing hint. The market value of the closet match is located in the market value data 444 in FIG. 7. Therefore, the market value data for the product that is a closest match to the item is presented as the pricing hint.

The Examiner rejected claim 37 because the term "database" lacked antecedent basis. Applicants submit that amended claim 37 overcomes this rejection.

Support for the amendment to claim 37 that recites "the computer identifies, in the historical price database, a historical price paid at an earlier date for a historical price database product most closely matching the item" is found in the specification, page 2, line 10 -- "an algorithm searches the appropriate database for the closest match."

Therefore, the rejection of claim 37 under 35 U.S.C. § 112, second paragraph, has been overcome.

II. Allowable Subject Matter

The Examiner stated that claim 37 would be allowable if rewritten to overcome the rejections under 35 U.S.C 112, second paragraph. Applicants have amended claim 37 to overcome the rejections under 35 U.S.C. 112, and submits that claim 37 is in condition for allowance.

III. Conclusion

It is respectfully urged that the subject application is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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